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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

PARK PLAZA CONDOMINIUM
ASSOCIATION,

Plaintiff,

vs.

THE TRAVELERS INDEMNITY
COMPANY OF AMERICA AND
PHOENIX INSURANCE COMPANY,

Defendants.

) Cause No.:

) **NOTICE OF REMOVAL TO U.S.**
) **DISTRICT COURT OF**
) **DEFENDANTS THE TRAVELERS**
) **INDEMNITY COMPANY OF**
) **AMERICA AND THE PHOENIX**
) **INSURANCE COMPANY**

TO: THE HONORABLE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MONTANA, GREAT FALLS DIVISION

COMES NOW Defendants The Travelers Indemnity Company of America
(hereinafter "TICA") and The Phoenix Insurance Company (hereinafter "PIC"), by
and through their counsel of record, and hereby give notice to the above named
Court for removal of this cause from the Montana Eighth Judicial District Court,
Cascade County, Cause No. ADV-17-0615, to the above named United States

District Court, Great Falls Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and for its grounds for removal alleges:

1. That the action is a civil action filed by Plaintiff seeking monetary damages that was commenced in the Montana Eighth Judicial District Court, Cascade County.

2. That by letter dated September 13, 2017, a copy of which is attached as Exhibit 1, the Commissioner of Securities and Insurance acknowledged service of process of the action as to TICA and forwarded to TICA the documentation attached as Exhibit 2, including a Complaint and Demand for Jury Trial (hereinafter “Complaint”) and a Summons. The documentation included in Exhibit 2 includes the only process and pleadings that have been served upon TICA. TICA has until October 13, 2017, to respond to the Complaint since the letter from the Commissioner of Securities and Insurance attached as Exhibit 1 is dated September 13, 2017. *See* Mont. Code Ann. § 33-1-603.

3. That by letter dated September 13, 2017, a copy of which is attached as Exhibit 3, the Commissioner of Securities and Insurance acknowledged service of process of the action as to PIC and forwarded to PIC the documentation attached as Exhibit 4, including the Complaint and a Summons. The documentation included in Exhibit 4 includes the only process and pleadings that have been served upon PIC. PIC has until October 13, 2017, to respond to the Complaint since the

letter from the Commissioner of Securities and Insurance attached as Exhibit 3 is dated September 13, 2017. *See* Mont. Code Ann. § 33-1-603.

4. TICA and PIC first learned of the filed civil action by e-mail from Plaintiff's counsel to their counsel dated September 14, 2017, attached to which was a copy of the Complaint.

5. That upon information and belief, Plaintiff is an unincorporated association whose members own the 35 individual units in "The Park Plaza" located at 405 Park Drive North, Great Falls, MT 59401, and reside in the following counties: Cascade County, Montana; Teton County, Montana; Clark County, Nevada; Alameda County, California; Chouteau County, Montana; Franklin County, Ohio; Flathead County, Montana; Sumter County, South Carolina; and Maricopa County, Arizona. As such, and upon information and belief, Plaintiff includes members who are citizens of Montana, Nevada, California, Ohio, South Carolina, and Arizona.

6. That Defendant TICA was and is a corporation duly organized and existing under the laws of Connecticut with its principal place of business in Hartford, Connecticut. As such, TICA is a citizen of Connecticut.

7. That Defendant PIC was and is a corporation duly organized and existing under the laws of Connecticut with its principal place of business in Hartford, Connecticut. As such, PIC is a citizen of Connecticut.

6. That the matter in controversy, exclusive of interest and costs, exceeds \$75,000.00, and complete diversity exists between Plaintiff which, upon information and belief, includes members who are citizens of Montana, Nevada, California, Ohio, South Carolina, and Arizona, and Defendants TICA and PIC, which are citizens of Connecticut.

7. That the above Court has jurisdiction of this case under and by virtue of the provisions of 28 U.S.C. § 1332.

8. That TICA and PIC will concurrently give written notice of this Notice of Removal to counsel for Plaintiff and the Montana Eighth Judicial District Court, Cascade County pursuant to Mont. R. Civ. P. 77(e), by which act the above entitled cause is removed from such state district court to the above captioned United States District Court. A copy of this written notice, without attachments, is attached as Exhibit 5.

DATED this 13th day of October, 2017.

By: /s/ Jon A. Wilson
Guy W. Rogers / Jon A. Wilson
BROWN LAW FIRM, P.C.
*Attorneys for Defendants The
Travelers Indemnity Company of
America and The Phoenix Insurance
Company*

CERTIFICATE OF SERVICE

I hereby certify that, on October 13, 2017, a copy of this Notice of Removal was served on the following person(s):

1. U.S. District Court, Great Falls Division
2. Montana Eighth Judicial District Court, Cascade County Clerk of District Court
3. Alexander (Zander) Blewett, III
HOYT AND BLEWETT PLLC
P.O. Box 2807
Great Falls, MT 59403-2807

by the following means:

<u>1, 3</u> CM/ECF	_____ Fax
_____ Hand Delivery	_____ E-Mail
<u>2</u> U.S. Mail	_____ Overnight Delivery Services

By: /s/ Jon A. Wilson
Guy W. Rogers / Jon A. Wilson
BROWN LAW FIRM, P.C.
*Attorneys for Defendants The
Travelers Indemnity Company of
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Company*